

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for verification, consolidation, and approval of costs and revenues in the transition revenue account.

Application 98-07-003
(Filed July 1, 1998)

In the Matter of The Revenue Adjustment Proceeding (RAP) application of San Diego Gas & Electric Company (U 902-E) for approval of 1) Consolidated changes in 1999 authorized revenue and revised rate components; 2) the CTC rate component and associated headroom calculations; 3) RGTCOMA balances; 4) PX credit computations; 5) disposition of various balancing/memorandum accounts; and 6) electric revenue allocation and rate design changes.

Application 98-07-006
(Filed July 1, 1998)

Application of Southern California Edison Company (U 338-E) to: 1) consolidate authorized rates and revenue requirements; 2) verify residual competition transition charge revenues; 3) review and dispose of amounts in various balancing and memorandum accounts; 4) verify regulatory balances transferred to the transition cost balancing account on January 1, 1998; and 5) propose rate recovery for Santa Catalina Island diesel fuel costs.

Application 98-07-026
(Filed July 1, 1998; Petition for Modification filed January 25, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING
SHORTENING TIME TO RESPOND TO ANY APPLICATIONS
FOR REHEARING OF D.01-09-060**

Decision (D.) 01-09-060 was adopted by the Commission at the meeting of September 20, 2001 and mailed to the parties on the same date. The decision construed, applied, implemented, and interpreted certain provisions of Assembly Bill 1 of the Legislature's First Extraordinary Session of 2001-2002 (Stats. 2001, Ch. 4) (AB1X).

Senate Bill 31 of the First Extraordinary Session of 2001-2002 (Stats. 2001, Ch. 9) amended Pub. Util. Code § 1731, and added Pub. Util. Code § 1768. Section 1731(c) requires that as a prerequisite for filing a cause of action "in any court," an application for rehearing of a Commission decision construing, applying, or implementing the provisions of AB1X must be filed within ten days after the date of issuance of the decision. Accordingly, applications for rehearing of D.01-09-060 are due ten days after the issuance of that decision.¹ Because the tenth day after issuance of the decision is a Sunday, applications for rehearing must be filed not later than the following day, i.e., by October 1, 2001.

Section 1731(c) also requires the Commission to "issue its decision and order on rehearing within 20 days after the filing of that application." On September 26, 2001, the Commission issued a press release announcing that the Commission would be holding meetings during the month of October on October 2, 10, and 25, 2001. October 25 is after the date on which any decision and order on rehearing of D.01-09-060 must be issued, so the Commission will need to take up consideration of any applications for rehearing not later than October 10.

¹ The Commission specifically noted the applicability of § 1731(c) to D.01-09-060, and in particular the 10-day time for filing applications for rehearing, at page 10 of the decision.

Pursuant to Rule 86.2 of the Commission's Rules of Practice and Procedure, a response to an application for rehearing may be filed no later than 15 days after the day the application for rehearing is filed. Consequently, under the expedited schedule, responses would not be due until after the October 10 Commission meeting. Therefore, to permit parties an opportunity to respond to any applications for rehearing that may be filed, the time for filing responses must be shortened. Although the Commission is not obligated to withhold a decision on an application for rehearing to allow time for a response to be filed,² the time for filing a response to any application for rehearing shall be shortened to October 5, 2001. Accordingly, any party planning to file a response to any application for rehearing that may be filed shall file and serve the response on or before October 5, 2001. Any response shall be served by electronic mail on those parties who have provided an e-mail address, and by first class mail or other expeditious mode of delivery to those who have not provided an e-mail address. In addition, any responses shall also be electronically served on the following Commission staff: Geoffrey Dryvynsyde (gbd@cpuc.ca.gov) and Mary McKenzie (mfm@cpuc.ca.gov).

Therefore, **IT IS RULED** that the time for filing a response to any application for rehearing of Decision 01-09-060 that may be filed shall be shortened. Any party filing a response to such application for rehearing shall file

² See Rule 86.2 of the Commission's Rules of Practice and Procedure.

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the response on or before October 5, 2001, and shall serve the response in the manner specified above.

Dated October 1, 2001, at San Francisco, California.

/s/ JOHN WONG for
ROBERT A. BARNETT

Robert A. Barnett
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Shortening Time to Respond to Any Applications for Rehearing of D.01-09-060 on all parties of record in this proceeding or their attorneys of record.

Dated October 1, 2001, at San Francisco, California.

/s/ KE HUANG

Ke Huang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.